



#8/12r  
02-05-02

PATENT  
Attorney Docket No.: JHU1170-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee and Cunningham  
Serial No.: 09/813,459  
Filed: March 20, 2001  
Title: GROWTH DIFFERENTIATION FACTOR-10

Art Unit: 1647  
Examiner D.S. Romeo

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JAN 22 2003

Commissioner for Patents  
Washington, D.C. 20231

TECH CENTER 1600/2900

**RESPONSE TO RESTRICTION REQUIREMENT/SPECIES ELECTION**

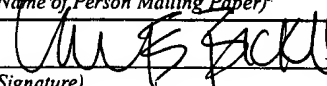
Sir:

Responsive to the Communication mailed December 16, 2002, in connection with the above-identified patent application, reconsideration of the application in view of the following remarks is respectfully requested.

It is stated in the Communication that the claims are directed to two independent and patentably distinct inventions, encompassing two patentably distinct species, as follows:

Group I: claims 5 to 16, directed to antibodies specific for a polypeptide comprising SEQ ID NO:5; and

Group II: claims 5 to 16, directed to antibodies specific for a polypeptide comprising SEQ ID NO:6.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>January 14, 2003</b> , in an envelope addressed to: Commissioner for Patents, Washington, DC 20231.	
Carrie E. Bickle (Name of Person Mailing Paper)	
 (Signature)	January 14, 2003 (Date)

Although the rejection is traversed for the reasons set forth below, Applicants nevertheless provisionally elect the claims of Group I, which encompass the species set forth as a polypeptide comprising an amino acid sequence as set forth in SEQ ID NO:5.

The restriction requirement/species election is traversed on the grounds that the polypeptide of SEQ ID NO:6 comprises the mature, active form of the GDF-10 polypeptide set forth as SEQ ID NO:5 (see page 27, line 21, to page 28, line 2). More specifically, SEQ ID NO:6 corresponds to amino acid residues 357 to 476 of SEQ ID NO:5. As such, it is submitted that a search of antibodies that specifically bind to the provisionally elected SEQ ID NO:5 would, of necessity, reveal art relevant to antibodies that specifically bind to a polypeptide comprising SEQ ID NO:6. In this respect, it is noted that the claims of both groups set forth in the Communication are classified in the same class and subclass. Thus, it would not be an undue burden for the Examiner to combine and examine together the claims of Groups I and II, including the species set forth as SEQ ID NO:5 and SEQ ID NO:6, because SEQ ID NO:5 is a polypeptide comprising SEQ ID NO:6. Accordingly, it is respectfully requested that the Examiner reconsider and rejoin SEQ ID NO:5 and SEQ ID NO:6.

It is submitted that the claims are in condition for allowance and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

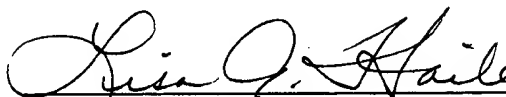
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No. 50-1355.

Respectfully submitted,

Date: January 14, 2003



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